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SUBJECT: FRANCE CONTRIBUTION FOR 2006 TIP REPORT - PART I
OF II

REF: STATE 3836

SUMMARY: France is a destination country for trafficked persons, mainly women trafficked for prostitution from Eastern Europe and Africa. There are between 15,000 and 18,000 prostitutes in France, of which about two-thirds -- between 10,000 and 12,000 -- are foreigners and thus likely to be trafficking victims. France is making a determined effort to combat trafficking in persons, as evidenced, inter alia, by its extensive legislation, involvement of President Chirac, its centralized trafficking police force, and its provision of temporary residence permits to trafficking victims. END SUMMARY.

11. Answers below are keyed to section and para numbers in reftel. Embassy Paris TIP point of contact is Kim Baker, bakerke@state.gov. Phone 33 1 43 12 23 93 (or IVG 8-498-2393), fax 33 1 43 12 26 63. Time spent on TIP report: FS-04 poloff: 80 hours. FS-1 Deputy Political Counselor: 4 hours' review. POL M-C: 3 hours' review.

OVERVIEW - Question 21.

1A. France is a destination country for trafficked persons, mainly women trafficked for prostitution from Eastern Europe (Romania, Bulgaria, and to a lesser extent Albania) and Africa (Nigeria, Sierra Leone, and Cameroon). France's national Central Office for the Repression of Trafficking in Persons (OCRETH, a division of the National Police in the Central Directorate of the Judicial Police in the Interior Ministry) estimates that there are between 15,000 and 18,000 prostitutes in France, of which about two-thirds -- between 10,000 and 12,000 -- are foreigners and thus likely to be trafficking victims.

OCRETH estimates the numbers and origin of prostitutes from statistics of those arrested for solicitation, which was criminalized in the 2003 Law on Internal Security (LSI). OCRETH noted that in 2004, the national police identified 999 trafficking victims, 982 of whom were young women. Three-quarters of the victims were foreign. Almost one-half of the victims (45 percent) came from Eastern Europe and the Balkans, while nearly one-fifth came from Africa. Jean-Michel Colombani, the head of OCRETH, told us on February 28 that those proportions held true for 2005, for which he shared preliminary figures.

While by far the majority of trafficking victims in France are brought to work in the sex trade, there is also clandestine forced labor, mostly domestic workers. Since domestic slavery is by its nature hidden (the victims are kept working inside and often permitted no leave time, and have no interchange with the outside world that would allow them to tell their story), the Committee Against Modern Slavery (CEM) finds it difficult to estimate the numbers of victims. Since its founding in 1994, it has assisted some 400 victims, of which a majority are African, and nearly nine in ten are women. Nearly 30 percent arrived on French territory as minors. CCEM also notes that in about one-fifth of cases, the 'employers' are diplomats serving in France enjoying diplomatic immunity.

1B. Traffickers often tell victims they will be coming to work in child care, restaurants, etc., and then seize their papers when the victims arrive. Often traffickers subject the women to brutal physical violence, including repeated rapes, to render them submissive. In other cases, the women know they will be coming to prostitute themselves, and that they will have to repay a debt for passage, but do not know that they will be subjected to such violent conditions and to the confiscation of their papers. In the case of African victims, often another woman (known as a "mama" or "sorceress") will subject the woman to be trafficked to a sort of 'voodoo' ritual before her departure from Africa, in which the "sorceress" takes bodily substances from her -- for example, blood, hair, clothes, etc. - and puts a hex on her. In this case, the woman believes so strongly that the sorceress can always see/hear her actions that she is effectively frightened from ever speaking to authorities, even in what would seem to Westerners to be a "safe"

situation. Because the threats also extend to her family, the woman is effectively discouraged from denouncing her traffickers, or even trying to escape. An NGO that works with victims in Nice, ALC Nice, related the story of a Nigerian who was so convinced that her hair had been hexed that she would not talk until after her head was shaved bald, at which time she finally felt freed from the watchful eyes of the "mama."

Trafficking victims in France are mostly put to work in prostitution; they must earn money to pay bondage debts. They are subject to violence including rape, threats to themselves and their families, and withholding of documents.

One issue in France is that many of the trafficking victims are in France legally -- the biggest single group of trafficking victims in France are from Eastern Europe and the Balkans, with most coming from Romania and Bulgaria. France does not require visas for visitors from either of those countries, slated to join the EU on January 1, 2007 (or possibly in 2008), for visits of less than 90 days. Nigerian victims can demand political asylum, providing them a means to stay in France legally. One NGO contact estimates -- and OCRETH director Colombani agrees -- that perhaps 80 percent of trafficking victims in France have legal papers.

1C. The French government is determined to combat trafficking in persons and is making a good-faith effort to seriously address trafficking. French government spending is subject to some degree to the Eurozone requirement to limit its budget deficit to 3 percent of GDP.

1D. Elements of the interministerial commission are currently preparing a report, mandated by the 2003 Law on Internal Security (LSI), to describe France's progress in combatting trafficking in persons. The report will be presented to the French parliament and published. According to OCRETH, the Health Ministry has the lead in compiling the report, for which OCRETH submitted its contribution some months ago. OCRETH expects to see the finished report perhaps in early June. Post will send G/TIP a copy when it is published.

PREVENTION - Question 22. -----

1A. Yes, France acknowledges that trafficking is a problem. On January 30, President Chirac, in announcing the creation of an annual national day to commemorate the abolition of slavery in France, also proposed prosecuting commercial enterprises that knowingly use forced labor, even for acts committed abroad. In the same address, Chirac cited UN figures that more than 20 million persons are trapped in slavery worldwide, noting that forced labor exists under one form or another on almost all continents today, and asked, "How can we tolerate this at the beginning of the 21st century? That so many children work, and often under deplorable conditions? That so many young women are sold by their family, to become unsalaried domestics or to be delivered into prostitution?"

1B. The Interministerial Commission combating trafficking includes the OCRETH (which leads the government's anti-trafficking efforts), along with several government ministries, including Interior, Justice, Education, Tourism, Health and Solidarity, Foreign Affairs, and Employment, Social Cohesion, and Lodging. OCRETH also has strong ties with the anti-pimping brigade of the Paris police. OCRETH is the operational and political focal point for French efforts; police units all over the country turn their cases over to OCRETH if they are found to involve trafficking, and OCRETH serves as the designated correspondent of inquiries (for example, OCRETH chief Colombani testifies before the Senate on trafficking questions).

1C. In addition to President Chirac's public statements, the government participated in an anti-trafficking poster awareness campaign in 2005. The posters were displayed at the "return to school" period (end-August, beginning of September) and again in early November. Four French departments displayed the posters: Ile de France (Paris region), Provence-Alpes-Cote d'Azur (Marseille, Nice), the Loire and Champagne. The posters (posters themselves and photos of posters in situ sent to EUR/WE) sought to create awareness of the fact that prostitutes in France may be trafficking victims and bore the words: "Slaves for Sale: Now you Know."

1D. The government continues to fund the campaign of the NGO ECPAT-France combatting child sex tourism; all Air France flights (and Air France buses between Paris and the two Paris airports) broadcast a video warning French tourists against engaging in sex with minors and alerting them that their actions on foreign soil are subject to prosecution in France. In addition, profits from three out of the seven Air France products available for purchase on board Air France planes (a

stuffed bear, a Concorde model, and a pen) are given to ECPAT.

F. The relationship between government officials, NGOs and other relevant organizations or elements of civil society varies. In Nice, Patrick Hauvuy, who heads the reinsertion service of ALC Nice, has forged strong ties with Justice Ministry officials and Police officers. On a set of meetings in Nice with Hauvuy in October, poloff was able to see the power of these personal relationships and the efforts of these individuals (Hauvuy, Examining Magistrate Philippe Dorcet, and Commandant of Police Serge LeMaire) in creating a network that is combatting trafficking there. In some localities, inter-agency relationships are more antagonistic, with attendant problems for the fight against trafficking. In general civil society plays a robust role in France, and the French government recognizes its role in the battle.

G. France adequately monitors its borders, but a large part of metropolitan French border-monitoring has been subsumed into the Schengen Treaty, which covers the majority of France's land borders and some of its air traffic as well (persons arriving in flights, trains, and cars coming into France from other Schengen member countries such as Belgium, Spain, Italy, Germany, and Luxembourg are not subject to border controls because passengers have either gone through Schengen border control at the point where they entered Schengen territory, or they themselves are Schengen residents and thus receive no examination).

H. The mechanism for coordination and communication between various ministries and agencies is the Interministerial Commission to Combat Trafficking in Persons, which OCRETH chairs. France also has a Working Group on the Fight Against Sex Tourism Involving Children, which includes the Ministries of Social Security, Aged Persons, Handicapped Persons and Family; Minister-Delegate for Tourism; Ministry of Foreign Affairs; Ministry of Interior; Youth Ministry; Justice Ministry; NGOs, tourism-sector representatives, and other experts.

J. France's current national plan of action to combat trafficking in persons was enunciated in 2002. A copy (in French) is with EUR/WE.

INVESTIGATION/PROSECUTION - Question 23.

A. French law specifically forbids trafficking in human beings -- defined as "the recruitment, transport, transfer, accommodation, or reception of a person in exchange for remuneration or any other benefit or for the promise of remuneration or any other benefit, in order to put him at the disposal of a third party, whether identified or not, so as to permit the commission against that person of offenses of procuring, sexual assault or attack, exploitation for begging, or the imposition of living or working conditions inconsistent with human dignity, or to force this person to commit any crime or misdemeanor" - for both sexual and non-sexual purposes (French penal code, Book II, Title II, Chapter V, Sec 1bis, Article 225-4-1 and following).

Two laws forbid subjecting a person to working and living conditions which infringe on human dignity: Article 225-13 of the Penal Code notes that "obtaining the performance of unpaid services or of services against which a payment is made which clearly bears no relation to the importance of the work performed from a person whose vulnerability or dependence is obvious or known to the offender is punished by five year's imprisonment and by a fine of 150,000 euros;" Article 225-14 notes that "subjecting a person whose vulnerability or dependence is obvious or known to the offender to working or living conditions incompatible with human dignity is punished by five years' imprisonment and by a fine of 150,000 euros." Further, subsequent articles (225-15 and 225-15-1) provide for stiffer penalties for persons who conduct either of the two previous activities against more than one person (seven year's prison and 200,000 euros); against a minor (seven years' prison and 200,000 euros); or against several persons, of whom one is a minor (10 years' prison and 300,000 euros).

There is no law that specifically forbids slavery in the French penal code, although, as a signatory to the European Convention on Human Rights, article 4 of which forbids slavery, France forbids slavery. A senator from the centrist party has introduced a bill that would criminalize slavery and servitude.

B. Penalties are the same for sexual and labor exploitation trafficking, as the French legal definition of trafficking covers both (see para above). Trafficking in persons is punishable by up to seven years in prison and a fine of up to 150,000 euros (Art. 225-4-1); the penalty rises to 10 years' imprisonment and a 1.5-million-euro fine if the trafficking involves a minor, pregnant woman, or other "vulnerable

persons"; a person "upon his arrival on (French) territory;" if threats are used; or if the perpetrator holds a position that requires him/her to fight against human trafficking or in any of several other aggravating circumstances (Art. 225-4-2). If an organized gang perpetrates the trafficking, it is punishable by 20 years' imprisonment and a 3-million-euro fine (Art. 225-4-3), and if the trafficking is committed with "recourse to torture or acts of barbarity," the perpetrator(s) incurs life imprisonment and a 4.5-million-euro fine (Art. 225-4-4).

C. Sexual assault is punishable by up to five years in prison and a 75,000-euro fine (Art. 222-27), seven years and 100,000 euros if the victim is under 15 years of age or if there are aggravating circumstances (Arts. 222-28 and 222-29). Convicted rapists can receive up to 15 years in prison (Art. 222-23); if the rape was committed against someone under 15 years of age, the penalty increases to up to 20 years (Art. 222-24).

D. Prostitution itself is not illegal, but exploiting someone to prostitute him or herself (e.g. pimping, or "procuring" someone else) is illegal, as is solicitation. Prostitutes can be arrested for 'passive' solicitation (as determined by the police; the law is vague on what constitutes 'passive conduct,' and this can include even the manner of dress or having a large number of condoms on one's person). The age of majority in France is 18. Anyone soliciting, accepting, or obtaining a person of less than 18 years of age for sexual services in exchange for remuneration or the promise of it is subject to three years' imprisonment and a 45,000-euro fine (French penal code Article 225-12-1), more for aggravating circumstances (Article 225-12-2), and even more (seven years' prison and a fine of 100,000 euros) if the child is less than 15 years of age (Art. 225-12-3). Solicitation can bring up to two months in jail and up to 3,750 euros in fines (Art. 225-10-1). Pimps are punished under laws prohibiting "procuring," defined as when a person "in any manner 1) helps, assists, or protects the prostitution of others; 2) makes a profit out of the prostitution of others, shares the proceeds of it, or receives income from a person engaging habitually in prostitution; and/or 3) hires, trains, or corrupts a person with a view to prostitution or exercises on such a person pressure to practice prostitution or to continue doing so." (Art 225-5) Procuring is punished by seven years' imprisonment and a fine of 150,000 euros. The law also criminalizes acting as an intermediary between a prostitute and a pimp; facilitating the justification of a pimp's fictitious resources; being unable to account for one's income when one lives with a prostitute; and obstructing prevention, control, assistance, or re-education efforts for prostitute(s). Under aggravating circumstances (including where the prostitute is a minor), procuring is punishable by ten years' imprisonment and a fine of 1.5 million euros (Art. 225-7), and if the prostitute is under 15 years old, it is punishable by 15 years' imprisonment and a 3-million-euro fine (Art. 225-7-1). If an organized gang does the procuring, the punishment is 20 years' prison and a 3-million-euro fine (Art 225-8), and if the procurer(s) resort to torture or acts of barbarity, it is punishable by life imprisonment and a 4.5-million-euro fine (Art 225-9).

E. As of the end of February, France has not yet compiled its full statistics for 2005. Given the relative weight of the sex trade in slavery in France, post believes it appropriate to examine pimping and solicitation arrests, in addition to trafficking data, as the former are likely also reflective of convictions of persons running trafficked persons (mostly women) in the sex trade. The Ministry of Interior released preliminary figures showing that in 2005, there were 1,053 cases of pimping charges (OCRETH told us that these were 880 separate persons, of whom 55 percent were foreign). Almost two-thirds of those charged were men. Over half (55%) of the charges were against foreigners. The number of minors has dropped dramatically from 2003 to 2005, from 34 boys and girls picked up for pimping to nine.

According to a late 2005 OCRETH assessment of final 2004 figures, the 943 pimping charges in 2004 represented 717 separate persons (some were picked up more than once). More than two-thirds (71 percent) were men, and 29 percent were women. Foreigners represented more than half of those charged. One-third of the total number of persons charged were from Eastern Europe or the Balkans (in the order of Romania, Bulgaria, and Albania). OCRETH said that authorities identified 1,429 victims in 2005, up from 999 in **2004**. As of report deadline, OCRETH had only 2005 raw numbers, which it had not yet been able to analyze.

In September, the Justice Ministry shared its statistics on convictions for pimping, solicitation, and trafficking for **2004**. According to its figures, in 2004, there were 1,719 convictions for pimping and aggravated pimping (some of which could have been the same person convicted on multiple counts). There were no/no convictions on the basis of the

trafficking in persons law. One of Post's NGO contacts estimates -- and OCRETH's Colombani agreed -- that prosecutors may be continuing to use the anti-pimping laws in place of the anti-trafficking provision with regard to sex slaves because the anti-pimping laws are so strong, and prosecutors are accustomed to using them, in part because they are so strong. Colombani pointed out that the Interior Ministry presented around 50 charges of trafficking in 2004, and about the same number in 2005; these cases may result in convictions on the basis of the trafficking law, but so far have not made their way through the courts system. In addition, those charged in a Bulgarian Roma baby-selling ring busted by OCRETH and local police officials in Lille and Marseille in October were charged on the basis of the anti-trafficking law.

In any event, in 2004 there were, for example, 396 convictions on the basis of the two basic anti-pimping laws; 330 aggravated pimping convictions for those instances with a plurality of authors or accomplices; and 511 aggravated pimping convictions for those cases in which there was more than one victim. There was one conviction for aggravated pimping of a victim of less than 15 years of age.

The government provided information on the penalties imposed ONLY for those cases in which the pimping count in question was the sole infraction for which the individual was committed. In many cases, persons were convicted on several different counts, so we have only a kind of anecdotal sample as regards penalties. (NOTE: Government officials were trying to give the most accurate picture possible of the sentence received for the specific pimping infraction. For that reason, they did not/not provide the penalty if the pimping infraction was only one among two or more convictions that a person received. For example, if the person had been convicted of murder in addition to pimping, the penalty would obviously be much higher, and there would be no way to know how much of the penalty applied to the pimping conviction. END NOTE)

With this caveat in mind, we learn that, for example, on code 10495, "aggravated pimping in which the vulnerability of the victim was apparent," there were seven convictions in 2004. In five of those cases, the conviction was only one of the convictions for which the person was sentenced; in one case it was the FIRST of a list of convictions, and in one case it was the ONLY conviction the person received. In the last case, the person who was convicted on this count, and ON NO OTHER COUNT, received a suspended prison term and served no time. However, for the six other persons convicted of that particular infraction in 2004, we have no information on the penalty received.

Of the 43 persons convicted of "aggravated pimping involving a minor from 15 to 18 years of age," only eight were convicted solely on this count; all eight of those persons received a prison term (without suspension or possibility of parole), serving an average of a little more than 21 months each.

Of the 78 persons for whom "aggravated pimping because the case involved multiple victims" was their SOLE conviction (out of the 511 total convictions for that infraction), all 78 received prison terms, 57 of them firm. The average prison term was two years and four months.

Of the 32 persons convicted solely of "aggravated pimping in the case where there were multiple authors or accomplices" (of the 330 total convictions for the infraction), 32 received prison terms, 26 of them firm; the average time served was two years and seven months.

Of the 356 persons convicted in 2004 on the basis of the basic anti-pimping law that prohibits aiding, assisting, or protecting the prostitution of another, for 63 it was the sole infraction. Of those 63, 52 received prison sentences, 19 of them firm; the average time served was just short of one year. Seven of the 63 received fines, the average of which was 3,875 euros.

In the case of the one 2004 conviction for "aggravated pimping because the victim was less than 15 years old," we have no information on the penalty received, because the person was convicted on one or more other counts.

Post can provide more detail on convictions relative to other pimping infractions; here we have provided a random sample.

As regards domestic forced servitude, the Committee Against Modern Slavery (CEM) helps victims bring claims against their "employers" (one-fifth of which claim diplomatic immunity as members of the diplomatic corps) on the basis of Penal Code Articles 225-13 and 225-14 (see above). In 2005, the victims won several cases. According to CCEM officials, their judicial service is currently working on the cases of 99 victims at various stages of the judicial process, 33 of

which are new cases that they took on in 2005.

F. In 2005, according to OCRETH, French authorities dismantled 41 international trafficking networks and three France-based trafficking networks. There are large and small networks operating in France, and often, the chiefs of the networks do not enter France, but stay out in the country of origin, or sometimes a third country. There is no indication that there are any French government officials involved in trafficking.

G. The French government actively investigates trafficking cases, using surveillance, telephone taps, and a wide range of investigative techniques. In addition, French law encourages the testimony of trafficking victims by providing residency cards for victims who file complaint or testify in cases that end in a conviction, but French police can also proceed (on an investigation, or with taps, etc.) without a victim's complaint or testimony.

H. OCRETH seeks to create with Fondation Scelles (see NGO descriptions in Part II) a National Day of Cooperation that would bring together NGOs, police from various jurisdictions, and judicial officials to provide training especially to police outside the OCRETH force, to familiarize them with how to treat trafficking victims they encounter in their work. In 2005, OCRETH organized three meetings bringing together the various police forces within the DCPJ (Central Department of Judicial Police, of which OCRETH is one element), the gendarmerie, and local security services to ask the Interior Ministry to attack the "small hands" -- the ground level -- of trafficking networks. In addition, OCRETH hosts various police officials or judicial magistrates for rotations, in which the officials learn more about OCRETH's work and the French government's aims vis-a-vis trafficking.

I. The French government cooperates with other governments in investigating and prosecuting traffickers and in trying to prevent trafficking from occurring. OCRETH has an officer posted in the French Embassy in Sofia, Bulgaria, to serve as a liaison with Bulgarian officials to combat the trafficking of Bulgarian nationals to France. The officer is attached to the French police attache's office. Three Bulgarian police officers came to work with OCRETH in 2005; one assisted in the dismantling of a trafficking network in Dijon, and two came for shorter periods to assist OCRETH with the dismantlement of a Bulgarian Roma ring peddling babies. In Bucharest, the French Embassy has a large cell that works closely with local police to address the trafficking issue; the OCRETH in Paris works with the Romanian police attache here; and the French MFA recently led a mission comprised of officials and NGOs to Romania to share best practices with their counterparts and to set up contact networks. French officials worked with Belgian and Albanian officials to dismantle a large Albanian trafficking network that was present in both Belgium and France. Police officers involved in the fight to combat trafficking travel regularly to source countries to work with their counterparts, although they have had problems finding willing counterparts in Nigeria, Sierra Leone, and Cameroon.

J. France can extradite persons suspected of trafficking to other countries, and the process can be expedited when the seeking country is a fellow party to the European arrest warrant. In the case of a country such as Bulgaria or Romania, extradition is subject to the Council of Europe extradition treaty. France does not extradite its own citizens.

K. There is no evidence of French government involvement in or tolerance of trafficking on either a local or national level. Governmental authorities do not facilitate or condone trafficking, nor are they otherwise complicit in such activities. Punishments for any official person whose post requires him/her to participate in the fight against human trafficking who is found guilty of trafficking are more severe than the penalties for traffickers (French penal code, Article 225-4-2), and the law provides for a seven-year imprisonment and fine of up to 750,000 euros if someone "cannot account for resources corresponding to one's lifestyle while being in close contact with one or more (trafficking) victims or perpetrators" (Art. 225-4-8).

L. No evidence of French government involvement in trafficking, see above.

M. France's child sex tourism laws have extraterritorial coverage. Sex with minors can be punished under French law if the act is committed by a French national or by a person habitually resident on French territory (i.e., the person need not be a French citizen to be subject to the law). (Penal Code, Art. 225-12-3).

In 2005, the French government adopted two of the interministerial commission's 12 recommendations of September 2004:

In May 2005, 20 leading tourism professionals signed a charter with Tourism Minister Bertrand pledging to increase their efforts against child sex tourism. Under the charter, the companies agree to conduct several actions to aid in the fight. The French government started a review of the actions in November, and they will continue to be evaluated annually.

On October 20, Bertrand launched an initiative at an EU tourism ministers' meeting to give new impetus to the EU's fight against child sex tourism. The French propose increasing the voluntary commitments made by travel industry professionals to address the problem (by means of a charter along the lines of the French model); setting up an informal group and a website on child sex tourism to facilitate the exchange of best practices between EU member states; and sharing information and planning joint actions with the countries that are plagued by child sex tourism.

Carole de Bartoli of ECPAT-France told Post recently that the government will announce toward the end of March further measures it will undertake relative to the interministerial commission's September 2004 proposals. Post will send in any updates as necessary.

1N. France has signed and ratified all the referenced instruments.

ILO Convention 182 - Ratified 9/11/01

ILO Convention 29 - Ratified 6/24/37.

ILO Convention 105 - Ratified 12/18/69

Optional Protocol to CRC - Signed 2/6/00, Ratified 2/5/03

Protocol to Prevent, Suppress and Punish TIP supplementing UN

Convention against Transnational OC - Signed 12/12/00,

Ratified 10/29/02

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